

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PS – PR and RD Department – Allegations of acquisition of assets disproportionate to the known sources of income against Sri P.Nageswara Rao, Executive Engineer, Panchayat Raj, Kakinada, EG District–Placed on defence before the TDP for enquiry– Article of charges issued in TEC No.6/2015-A.P.Civil Services (Disciplinary Proceedings Tribunal) (Repeal) Act, 2022 and transferring the cases to Commissioner of Inquires to continue the proceedings - Appointment of Inquiry Authority and Presenting Officer under sub-rule (2) and (5)(c) of Rule 20 of APCS (CC&A) Rules, 1991- Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.Rt.No.58

Dated:07.02.2023.
Read the following:

1. From the D.G, ACB, AP, Letter Rc.No.200/RCA-NNL/2008, dt: 23.12.2010.
2. Govt. Memo No.20235/Vig.II/A2/2008-14, PR&RD(Vig.I) Dept.,dt.8.2.2012.
3. From theDG, ACB,Hyd.,Rc.No.200/RCA NNL/2008, dt.09.04.2014 (art-B Note).
4. Govt. Memo NO. 20235/Vig. I/2008, PR&RD (Vig. I) Dept, Dt: 23.06.2014.
5. G.O.Rt.No.80, PR&RD (Vig.I) Department, Dt: 29.01.2016.
6. From the ENC,PR, Letter No. Vig. II/30733/2008, dt: 17.12.2021.
7. Govt. Memo No.20235/ Vig. I/2008, PR&RD (Vig. I) Dept., Dt: 31.12.2021.
8. G.O.Ms.No.98, G.A (Ser.E) Dept., Dt: 18.08.2022.
9. U.O.Note No. 1878240/ GAD/ COI-R/2022-4, GA (COI-R) Dept., Dt: 08.11.2022.
10. G.O.Ms.NO.3, G.A (Ser.E) Department, Dt: 04.01.2023.

ORDER:-

In the reference first read above, the Director General, Anti-Corruption Bureau, has furnished final report conducted on the allegations of acquisition of assets disproportionate to the known sources of income against Sri P. Nageswara Rao, Executive Engineer, Panchayat Raj, Kakinada, East Godavari District and he has made certain recommendations against the Accused Officer on the disproportionate assets case as well as on violation of conduct rules against him.

2. Government, after considering the above report, have taken decision to place the Accused Officer on his defence before the Tribunal for Disciplinary Proceedings to conduct inquiry on the allegation of acquisition of assets disproportionate to the known sources of his income. Accordingly, in the reference second read above, Government have placed Sri P. Nageswara Rao, Executive Engineer (PR) on his defence before the Tribunal for Disciplinary Proceedings under Rule 3 of the A.P.Civil Services(Disciplinary Proceedings Tribunal) Rules, 1980 for conducting detailed inquiry and submit its report. Further, Part-B Note, duly

(P.T.O)



authenticated by the competent authority, has been sent to the Secretary, Tribunal for Disciplinary Proceedings, Hyderabad for taking further action vide reference fourth read above.

3. In the reference fifth read above, Government have dropped further action against the Charged Officer Sri P. Nageswara Rao, former Executive Engineer, PR, Kakinada and working as Executive Engineer, PR, Kadapa on violation of APCS (Conduct) Rules, 1964 in the case.

4. In the reference sixth read above, the Engineer-in-Chief, Panchayat Raj, has informed that Sri P. Nageswar Rao, former Executive Engineer, PR, Kakinada and retired Superintending Engineer, PR, has filed WP No. 15032/2020 before the Hon'ble High Court of Andhra Pradesh praying the Hon'ble High Court to declare the action of the Respondents in not passing any order in TEC No.6/2015 pending before the Tribunal for Disciplinary Proceedings at Hyderabad though the Article of charges was dropped against him by the Government in the reference fifth read above.

5. In the reference seventh read above, Government have filed counter in the W.P.No. 15032/2020 before the Hon'ble High Court of Andhra Pradesh duly mentioning the fact that the Tribunal for Disciplinary Proceedings conducting inquiry in TEC No.6/2015 pertains to allegation that the Petitioner in abuse of his official position has acquired and possessed disproportionate assets to his known sources of legal income to a tune of Rs.23,41,373/- and whereas the orders issued by the Government in G.O.Rt.No.80, P.R.&R.D (Vig.I) Department, Dated: 29.01.2016 relates to dropping further action against him on violation of A.P.C.S. (Conduct) Rules, 1964 and both the said issues are different, with a prayer to the Hon'ble High Court to pass orders in the interest of justice. The W.P. is pending before the Hon'ble High Court of Andhra Pradesh.

6. In the reference eight read above, the G.A (Ser.E) Department have informed that "an Ordinance to repeal the A.P. Civil Services (Disciplinary Proceedings Tribunal) Act, 1960 and to provide for matters connected therewith or incidental thereto has been published in A.P. Gazette, Part IV-B Extraordinary, NO.6, Amaravati, dated: 16.8.2022. According to the Ordinance, the following provisions have been issued:

"1. (1) This ordinance may be called the A.P. Civil Services (Disciplinary Proceedings Tribunal) (repeal) Ordinance, 2022:

2. (1) the A.P. Civil Services (Disciplinary Proceedings Tribunal) Act, 1960 is hereby repealed.

Provided that such repeal shall not effect the previous operation of the repealed Act.

(2) From the date on which this Ordinance comes into force, the Tribunal constituted under the repealed Act shall stand abolished and all cases pending before the said Tribunal on the said date shall stand transferred to the Commissionerate of Inquiries (COI) to continue the pending proceedings and shall be disposed of by it in accordance with the statutory rules governing conduct of the disciplinary proceedings in due compliance with principles of natural justice.

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Provided that the disciplinary proceedings remain inconclusive before the Tribunal and challenged before the Hon'ble Courts for remaining inconclusive shall abide by the directions of the Courts.

7. The G.A.(Ser.E) Department, while informing the above, has issued orders/instructions to the Secretary, Tribunal for Disciplinary Proceedings to handed over all cases and records of TDP to the Registrar, Commissioner of Inquiries, A.P. Secretariat, Velagapudi under proper acknowledgment; upon which the concerned Departments shall issue orders entrusting the cases to Member, C.O.I for commencement / continuation of Inquiries as per the procedure.
8. In the reference ninth read above, the General Administration (COI) Department have allocated the case of Sri P. Nageswara Rao, Executive Engineer, PR, Kakinada, E.G. District to Sri Ramesh Kumar Suman, I.F.S., Addl. Prl. Chief Conservator of Forests (Budget), O/o.PCCF, A.P., Guntur & Commissioner of Inquiries (FAC) for commencement / continuation of inquires as per procedure in vogue.
9. In the reference tenth read above, the G.A (Ser.E) Department have informed that the **Act** ie., Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) (Repeal) Act, 2022 has been published in the Andhra Pradesh Gazettee, Part IV-B Extraordinary NO.29, Amaravati, dated: 22.12.2022, which shall be deemed to have been come into force with effect from the 16th day of August, 2022 with the above mentioned provisions under Para No.6 above. In pursuance to said Act, 2022, they have requested to take necessary further action accordingly in the matter.
10. Government, after careful examination of the matter, have taken a decision to entrust the case of Sri P. Nageswara Rao, Executive Engineer, Panchayat Raj, Kakinada, East Godavari District i.e allegation of acquisition of disproportionate assets to the known sources of income against him before the Commissioner of Inquiries, General Administration (COI) Department for conducting inquiry on the charges framed against him in TEC No.6/2015 by the Tribunal for Disciplinary Proceedings, subject to outcome of W.P.No.15032/2020 pending before the Hon'ble High Court of Andhra Pradesh.
11. Now, therefore, the Government, in exercise of the powers conferred by sub-rule (2) of Rule 20 of the A.P. Civil Services (Classification, Control and Appeal) Rules, 1991, hereby appoint Sri Ramesh Kumar Suman, I.F.S., Addl. Prl. Chief Conservator of Forests (Budget), O/o.PCCF, A.P., Guntur & Commissioner of Inquiries (FAC) as the Inquiring Authority to inquire into the charges framed against the above Charged Officer in TEC No.6 of 2015, subject to outcome of W.P.No. 15032/2020 pending before the Hon'ble High Court of Andhra Pradesh.
12. Government also hereby appoint Sri Sarva srinivasa Rao, Advocate as the Presenting Officer to present the case on behalf of the Government in support of the articles of charge against the said Government Servants before the Inquiry Authority on behalf of the Government under Rule 20(5) (c) of Andhra Pradesh Civil Services (CC&A) Rules, 1991.



13. The Presenting Officer shall acquaint his/herself with the facts of the case and present the case before the Inquiry Authority effectively. He is also requested to obtain and produce documents if any required by the Inquiry Authority during the course of enquiry without referring the matter to the Government.

14. The Inquiry Authority is requested to conduct Inquiry strictly in terms of rule 20 of A.P. Civil Services (classification, control and appeal) Rules, 1991 and submit report as required under (18)(ii) of the above said Rules.

15. The connected copies of documents /records in TEC No. 6/2015 as received from the O/o.the Registrar, Commissionerate of Inquiries, G.A (COI) Department are herewith furnished to the Inquiry Authority as required under rule 20 (7) of Andhra Pradesh Civil Services (CC&A) Rules, 1991.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B. RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

Sri Ramesh Kumar Suman, I.F.S., Addl. Prl. Chief Conservator of Forests (Budget), O/o.PCCF ,A.P., Guntur & Commissioner of Inquiries (FAC) (w.e)

Sri Sarva Srinivasa Rao, Advocate, H.No.11-2-24, Sri Saradamba Enclave, Bapu Nagar, Street No.4, Saroornagar, Hyderabad – 500 035.(P.O.) (w.e)

The Individual concerned

through the Engineer-in-Chief, PR, AP, Vijayawada

The Engineer-in-Chief, Panchayat Raj, AP, Vijayawada (with a request to serve the order on the C.O and send the dated acknowledgement copy).

Copy to:-

The Director General, Anti-Corruption Bureau, AP, Vijayawada.

The Secretary to VC, A.P.Vigilance Commission, Velgapudi.

The General Administration (COI-R) Department.

The Govt. Pleader for Services-IV, A.P. High Court, Amaravati.

The P.R. & R.D (Estt. I) Department

The PS to Spl. Chief Secretary to Govt., PR&RD Dept.,

The Law (F) Department

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SECTION OFFICER
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